



# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



## Clean Water Act § 401 Water Quality Certification Oak Creek Pedestrian Crossing

### 1. Authorization

This State Water Quality Certification (WQC) is issued by the Arizona Department of Environmental Quality (ADEQ) under the authority of § 401(a) of the Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.) and Arizona Revised Statutes (ARS) § 49-202. This § 401 WQC will become part of the U.S. Army Corps of Engineers (USACE) § 404 permit SPL-2023-00360.

Based on the information provided and identified in Section 3, ADEQ certifies that the proposed activities for the Oak Creek Pedestrian Path will not violate applicable Surface Water Quality Standards (SWQS) in Oak Creek.

#### a. Location

Latitude: 34.86238

Longitude: -111.76203

ADEQ PLC: 234599

ADEQ LTF: 99565

#### b. Project Proponent Information

City of Sedona  
Robert Welch  
102 Roadrunner Drive  
Sedona, AZ 86336

### Authorizing Signature

\_\_\_\_\_  
Trevor Baggio  
Water Quality Division  
Arizona Department of Environmental Quality

\_\_\_\_\_  
Date

#### Phoenix Office

1110 W. Washington St. | Phoenix, AZ 85007  
602-771-2300

#### Southern Regional Office

400 W. Congress St. | Suite 433 | Tucson, AZ 85701  
520-628-6733

azdeq.gov

## 2. Description of Certified Activities

The Oak Creek Pedestrian Crossing (OCPC) consists of the design and construction of a north-south pedestrian crossing on State Route 179 (SR179) at the Tlaquepaque Arts & Shopping Village, in Sedona, AZ. The OCPC is intended to improve traffic congestion through the area, as the existing pedestrian traffic is currently using an at-grade crosswalk that connects the two sides of the shopping center, Tlaquepaque north and Tlaquepaque south. The proposed pedestrian crossing would be a multi-use pathway along the west embankment of Oak Creek, passing beneath the SR179 bridge over the Creek, to connect with existing sidewalks along SR 179 on each side.

The project includes median improvements along SR179 and adjacent to the existing SR179 Oak Creek bridge crossing, to incorporate improvements for a new grade-separated pedestrian pathway crossing of SR179. The proposed work consists of a new sidewalk, curb and gutter, retaining walls, pedestrian handrail, pedestrian safety rail, a flood control channel adjacent to Oak Creek, and removal and replacement of a portion of the existing Tlaquepaque property wall. The project also includes path signing, irrigation, and landscaping.

Existing gabion mattresses and river rock will be replaced with a concrete pedestrian path. 12" x 12" pedestrian-rated drain inlets will be installed along the path to allow rainfall runoff to drain to the subsurface and irrigate existing Sycamore Trees along the bank of the creek.

Temporary impacts of 0.08 acres to Oak Creek may occur during the construction of the flood control channel but such impacts shall not occur for a period longer than six months, as required by Arizona Administrative Code R18-11.107.01(C)(4). This channel is intended to offset the hydraulic obstruction caused by the proposed pedestrian crossing. The channel is completely excavated and will be made up of existing native materials (sand, gravel, cobbles). Silt barriers will be installed prior to construction to control sediment discharges to Oak Creek. An Arizona Department of Transportation (ADOT) approved stormwater pollution prevention plan specialist has been hired by the construction contractor to monitor construction activities to ensure there are no illicit discharges to Oak Creek while the pedestrian path is completed.

Note: ADOT's involvement is limited to activities that occur within the SR179 Right-of-Way, and relative to their municipal separate storm sewer system (MS4) permit monitoring point, which is currently located under the SR179 bridge. Their monitoring equipment will be relocated during the construction of this project.

## 3. Information Reviewed

During the development of this WQC, ADEQ had access to and reviewed the following documents, which are on file with ADEQ:

- a. CWA § 401 WQC application package including the USACE PCN application and associated details, plans and maps; received by ADEQ on June 27, 2023. Permittee: City of Sedona, Robert Welch.

- b. State of Arizona Surface Water Quality Standards (SWQS), Arizona Administrative Code (A.A.C.) Title 18, Chapter 11, Article 1, Appendix B. Designated uses for Oak Creek are as follows: Agricultural Irrigation (AgI); Agricultural Livestock (AgL); Aquatic & Wildlife Warm (Aww), Domestic Water Source (DWS); Full body contact (FBC); Fish Consumption (FC).
- c. Oak Creek is impaired for E.coli. [CWA 303(d) list].
- d. Oak Creek is an outstanding Arizona water (OAW) [A.A.C. R18-11-112(G)(2)].

#### 4. Notification Provisions

For any correspondence regarding this project, the ADEQ mailing address is:

Arizona Department of Environmental Quality  
Rosi Sherrill, Surface Water Permits / 401 WQCs  
1110 West Washington Street, Phoenix, Arizona 85007

For questions or general comments:

Email: [sherrill.laurie@azdeq.gov](mailto:sherrill.laurie@azdeq.gov) Voice: (602) 771-4409

In any correspondence, please reference:

Oak Creek Pedestrian Crossing  
USACE File No.: SPL-2023-00360  
ADEQ LTF No.: 99565

#### 5. Certification Notes:

- a. Oak Creek is an outstanding Arizona water (OAW) and as such, requires an antidegradation review to ensure that activities occurring below the ordinary high water mark are temporary impacts, lasting 6 months or less. While the USACE is permitting the project under a Nationwide Permit #14 for Linear Transportation Activities, ADEQ must public notice and certify this project under an individual § 401 permit.
- b. As noted in Section 1, this WQC will become part of the USACE § 404 permit SPL-2022-00618 and is valid for the same time period as that permit. The project proponent must apply for renewal, modification or extension of this WQC if the CWA § 404 permit is renewed, modified, extended or otherwise changed.
- c. This WQC applies only to the activities described in Section 2 and is based upon the information listed in Section 3.